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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,949	02/19/2002	Ebrahim Zandi	064189-0501	6542
38706	7590	12/29/2009		
FOLEY & LARDNER LLP				
975 PAGE MILL ROAD				
PALO ALTO, CA 94304				
EXAMINER				
PROUTY, REBECCA E				
ART UNIT		PAPER NUMBER		
1652				
MAIL DATE		DELIVERY MODE		
12/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

In response to the 103 rejection of claims 2, 5-7, 17-19, 21-23 and 42 over Rothwarf et al. in view of Traincard et al. and Epinat et al., applicants repeat their argument that Rothwarf et al. does not teach that the IKK complex can be activated by NIK or MEKK1 in yeast systems because yeast lack the upstream regulatory elements believed necessary for expression and activation of the complex. Applicants state that the office alleged that "in vitro" means "in the absence of any cellular context" but that this is incorrect as it can include experiments that occur entirely in a cell or tissue outside of the normal host organism. The examiner agrees with applicants that the term "in vitro" can have other meanings as indicated, however, applicants misinterpret the examiner's previous statement. The examiner merely meant to indicate that the *in vitro* experiment of Ling et al. was in fact done outside of any cellular context and thus that applicant argument that one of ordinary skill would not expect that the IKK complex could be activated by NIK in yeast is incorrect as Ling et al. clearly showed activation of the IKK complex by NIK in the absence of any cellular context. Whether or not the same is true of MEKK1 also is irrelevant as long as a skilled artisan would have expected NIK to be useful.

Applicants comments with regard to US patent 6,864,355 are not understood as this patent is not part of the rejection and was only cited previously by the examiner as evidence that it was known in the art prior to applicants invention that the IKKy subunit regulates the autophosphorylation of the IKK complex. Applicants comments do not seem relevant to this.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca E. Prouty whose telephone number is 571-272-0937. The examiner can normally be reached on Tuesday-Friday from 8 AM to 5 PM. The examiner can also be reached on alternate Mondays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached at (571) 272-0811. The fax phone number for this Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rebecca Prouty/
Primary Examiner
Art Unit 1652